

SENATE BILL 1331 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 1331** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

MEMORIAL RESOLUTION

S.C.R. 95 - By Brooks: In memory of Judy Calvin of Pasadena.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.C.R. 96 - By Brooks: Expressing gratitude to Dr. Robert M. Barr for his leadership and generosity and extending best wishes for a most enjoyable and rewarding retirement.

S.R. 459 - By Henderson: Extending congratulations to Gordon Hansen of Spring for achieving the rank of Eagle Scout.

S.R. 460 - By Henderson: Extending congratulations to Atman Madhukar Trivedi of Houston for achieving the rank of Eagle Scout.

S.R. 462 - By Brooks: Recognizing Hilda Garza Torres of Galveston on the joyful occasion of her 40th birthday.

S.R. 463 - By Moncrief: Recognizing Bob Bolen, Mayor of the City of Fort Worth on the occasion of his birthday.

S.R. 464 - By Brooks: Welcoming Friendswood Junior High School journalism students and their teacher and sponsor, Ms. Suzette Gibson.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:22 p.m. adjourned until 11:00 a.m. Monday, April 8, 1991.

FORTY-FIRST DAY
(Monday, April 8, 1991)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Glasgow, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sibley, Tejeda, Truan, Turner, Whitmire, Zaffirini.

Absent-excused: Ellis, Green, Sims.

A quorum was announced present.

The Reverend Paul M. Thompson, Hope Presbyterian Church, Austin, offered the invocation as follows:

Almighty God, remind us of Your presence today. Remind us in the voices that call; those clamoring for justice, those crying in pain, those after our hides, and the voices, that in the midst of it all, offer tenderness and understanding. Remind us of Your presence in the meaningful work You have given us. Let us not forget, amid

the dust of everyday living, why we have been chosen to serve. Remind us amid impossible agenda and pressure-filled days, it is You who are God and not we ourselves. Remind us of Your presence in the saltiness of irony, and the cleansing of laughter. Most of all remind us of Your presence, O God, in Your acts of grace. Let Your love be known to these people in gifts given and words spoken. Let us know that in all our moments we are never beyond the reach of Your open arms. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 4, 1991, was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Sims was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Green was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Ellis was granted leave of absence for today on account of important business on motion of Senator Brooks.

CO-AUTHOR OF SENATE BILL 75

On motion of Senator Barrientos and by unanimous consent, Senator Whitmire will be shown as Co-author of S.B. 75.

CO-AUTHORS OF SENATE BILL 112

On motion of Senator Moncrief and by unanimous consent, Senators Lyon, Tejeda, Carriker and Sibley will be shown as Co-authors of S.B. 112.

CO-AUTHOR OF SENATE BILL 325

On motion of Senator Ratliff and by unanimous consent, Senator Dickson will be shown as Co-author of S.B. 325.

CO-AUTHOR OF SENATE BILL 790

On motion of Senator Montford and by unanimous consent, Senator Lucio will be shown as Co-author of S.B. 790.

CO-AUTHOR OF SENATE BILL 1367

On motion of Senator Barrientos and by unanimous consent, Senator Johnson will be shown as Co-author of S.B. 1367.

CO-AUTHOR OF SENATE JOINT RESOLUTION 15

On motion of Senator Ratliff and by unanimous consent, Senator Dickson will be shown as Co-author of S.J.R. 15.

CO-AUTHOR OF SENATE JOINT RESOLUTION 28

On motion of Senator Dickson and by unanimous consent, Senator Sibley will be shown as Co-author of S.J.R. 28.

MESSAGE FROM THE HOUSE

House Chamber
April 8, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 765, Relating to the right to counsel of a witness before a grand jury.

H.B. 1879, Relating to improving relations with the United Mexican States and other foreign countries and rural economic development; making emergency appropriations.

H.B. 548, Relating to the professional association of podiatrists and medical doctors.

H.B. 550, Relating to the exclusion from coverage under the Texas Unemployment Compensation Act of delivery or cartage services performed by certain individuals within a commercial zone.

H.B. 69, Relating to the matching fund requirement for grants from the municipal solid waste management planning fund.

H.B. 407, Relating to increasing the fine for certain misdemeanors and to the jurisdiction of county, justice, and municipal courts.

H.B. 480, Relating to the authority of a court to order the turnover of wages for personal services.

H.B. 676, Relating to notice requirements for regular meetings of a water control and improvement district.

H.B. 622, Relating to proof of insurance for certain lenders.

H.B. 712, Relating to State Board of Insurance authority to prohibit collection of information concerning the credit worthiness of insurance applicants of insureds.

Respectfully submitted,

BETTY MURRAY, Chief Clerk
House of Representatives

PERMISSION TO INTRODUCE BILLS

Senator Brooks moved to suspend Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) to permit the introduction of the following bills:

S.B. 1480

S.B. 1481

S.B. 1482

S.B. 1483

S.B. 1484

S.B. 1485

S.B. 1486

S.B. 1487

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Ellis, Green, Sims.

REPORTS OF STANDING COMMITTEES

Senator Dickson submitted the following report for the Committee on Economic Development:

S.B. 4 (Amended)

H.B. 398
S.B. 1166
S.B. 1034
C.S.S.B. 548
C.S.S.B. 523
C.S.S.B. 661
C.S.S.B. 1079

Senator Sims submitted the following report for the Committee on Natural Resources:

C.S.S.B. 1099

Senator Glasgow submitted the following report for the Committee on State Affairs:

S.B. 618
S.B. 312
S.B. 764
S.B. 774
C.S.S.B. 797
C.S.S.B. 1161
C.S.S.B. 604
C.S.S.B. 438
C.S.S.B. 333
C.S.S.B. 798
C.S.S.B. 689
C.S.S.B. 1337
C.S.S.B. 219

Senator Barrientos submitted the following report for the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with the recommendation that they be confirmed.

To be a Member of the BOARD OF REGENTS, EAST TEXAS STATE UNIVERSITY: Ms. DeMetris Aquilla Sampson, Dallas County.

To be a Member of the TEXAS NATIONAL RESEARCH LABORATORY COMMISSION: J. Fred Bucy, Dallas County.

To be a Member of the BOARD OF DIRECTORS, TEXAS AGRICULTURAL FINANCE AUTHORITY: Judge Leodoro Martinez, Jr., La Salle County.

To be a Member of the BOARD OF DIRECTORS, UPPER COLORADO RIVER AUTHORITY: Harry B. Elam, Tom Green County.

To be a Member of the BOARD OF DIRECTORS, LOWER NECHES VALLEY AUTHORITY (APPOINTED BY THE TEXAS WATER DEVELOPMENT BOARD): Judge Thomas A. Thomas, Jefferson County.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, after the captions had been read, the following enrolled bills and resolutions:

S.C.R. 82

S.C.R. 84
 S.C.R. 86
 S.C.R. 87
 S.C.R. 88
 S.B. 34
 S.B. 206
 S.B. 264

**CONFERENCE COMMITTEE REPORT
 ON SENATE BILL 170**

Senator Zaffirini submitted the following Conference Committee Report:

Austin, Texas
 March 26, 1991

Honorable Bob Bullock
 President of the Senate

Honorable Gibson D. "Gib" Lewis
 Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S.B. 170 have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

LUCIO
 WHITMIRE
 TEJEDA
 BROOKS
 ZAFFIRINI

On the part of the Senate

BERLANGA
 R. CUELLAR
 OLIVEIRA
 DE LA GARZA
 H. CUELLAR

On the part of the House

**A BILL TO BE ENTITLED
 AN ACT**

relating to the creation of the County Court at Law No. 2 of Webb County.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 25.2421, Government Code, is amended to read as follows:

Sec. 25.2421. WEBB COUNTY. (a) Webb County has the following [one] statutory county courts:

- (1) [court;] the County Court at Law No. 1 of Webb County; and
- (2) the County Court at Law No. 2 of Webb County.

(b) The county courts at law [County Court at Law] of Webb County sit [sits] in Laredo.

SECTION 2. Subsection (a), Section 152.2461, Human Resources Code, is amended to read as follows:

(a) The Webb County Juvenile Board is composed of the county judge, the district judges in the county, and the judge of each [the] county court at law.

SECTION 3. Notwithstanding Subsection (a), Section 25.2421, Government Code, as amended by this Act, the County Court at Law No. 2 of Webb County is created January 1, 1993.

SECTION 4. Notwithstanding Section 25.0009, Government Code, the initial vacancy in the office of judge on creation of the County Court at Law No. 2 of Webb County shall be filled by election. The office of judge of the County Court at Law No. 2 of Webb County exists for purposes of the primary and general

elections in 1992. The qualified voters of the county shall elect the initial judge of the County Court at Law No. 2 of Webb County at the general election in 1992 for a two-year term beginning January 1, 1993. Thereafter, the judge shall be elected for a four-year term as provided by Article XVI, Sections 64 and 65, of the Texas Constitution. A vacancy after the initial vacancy is filled as provided by Section 25.0009, Government Code.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The Conference Committee Report was read and was filed with the Secretary of the Senate.

CAPITOL PHYSICIAN

Senator Brooks, on behalf of Senator Green, was recognized and presented Dr. Richard D. Kirkham of Baytown.

Dr. Kirkham, participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, was welcomed by the Senate and received an expression of gratitude for his service today.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) having been suspended, the following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.C.R. 93 by Johnson Health and Human Services
Requesting the Texas Medical Disclosure Panel to adopt disclosures of risks and hazards for breast implantation procedures for the protection of all citizens who may be faced with this crucial decision.

S.C.R. 94 by Barrientos Administration
Granting Christopher, Susan, and Nathaniel Eakle permission to sue the State of Texas and the Texas Department of Human Services.

S.B. 1463 by Brooks Health and Human Services
Relating to regulating the taking of crab, molluscan shellfish, and other aquatic life; providing civil and criminal penalties.

S.B. 1464 by Harris of Dallas Economic Development
Relating to the financing of heavy commercial vehicles.

S.B. 1465 by Sims Natural Resources
Relating to the creation, administration, powers, duties, operation, and financing of the Menard County Underground Water District.

S.B. 1466 by Carriker Natural Resources
Subcommittee on Agriculture
Relating to the unlawful denial of benefits of federal farm programs.

S.B. 1467 by Glasgow Economic Development
Subcommittee on Insurance
Relating to the maximum liability under underinsured motorist insurance coverage.

S.B. 1468 by Glasgow Education
Relating to establishing the Texas Institute for Applied Environmental Research at Tarleton State University.

- S.B. 1469** by Glasgow Intergovernmental Relations
Relating to the creation of the County Court at Law of Erath County.
- S.B. 1470** by Glasgow Finance
Relating to an emergency appropriation to the University of North Texas.
- S.B. 1471** by Green Intergovernmental Relations
Relating to exemptions provided by Section 158.038, Title 5, Local Government Code, for county officers and employees.
- S.B. 1472** by Green Criminal Justice
Relating to the distribution of certain federal grant funds by the Criminal Justice Division of the office of the governor.
- S.B. 1473** by Henderson Finance
Relating to an exemption from the gas production tax for gas produced as a result of qualified enhanced completion or production techniques.
- S.B. 1474** by Henderson Finance
Relating to a credit for the gas and oil production tax for certain dry hole costs.
- S.B. 1475** by Barrientos State Affairs
Relating to the health benefits plans of certain state employees.
- S.B. 1476** by Brooks Health and Human Services
Relating to setting rates for medical assistance programs and day-care programs.
- S.B. 1477** by Ellis State Affairs
Subcommittee on Elections and Ethics
Relating to changes in electoral boundaries of certain political subdivisions.
- S.B. 1478** by Henderson Natural Resources
Relating to the production allowable for a well in a newly discovered gas field.
- S.B. 1479** by Parker Criminal Justice
Relating to the punishment, sentencing, and availability of parole and furloughs for a person convicted of a capital offense.
- S.B. 1480** by Glasgow Education
Relating to a medical services fee at the University of North Texas.
- S.B. 1481** by Ratliff Criminal Justice
Relating to the selection of courts of appeals in criminal cases appealed from a trial court in Hopkins County.
- S.B. 1482** by Ratliff Natural Resources
Relating to the possession and use of certain nets and seines for taking finfish.
- S.B. 1483** by Brooks Natural Resources
Relating to filing and effect of lawsuits by and against the Texas Low-Level Radioactive Waste Disposal Authority and the submission and review of a license application for a disposal site by the authority.
- S.B. 1484** by Sibley Administration
Relating to the authority of a hospital district to issue general obligation bonds.
- S.B. 1485** by Haley Criminal Justice
Relating to the appointment of a public defender for Cherokee County.
- S.B. 1486** by Green Jurisprudence
Relating to the creation of additional judicial districts composed of Harris County.

S.B. 1487 by Green

State Affairs

Relating to the regulation of cellular telephone towers by certain counties.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committee indicated:

- H.B. 5**, To Committee on Economic Development.
- H.B. 41**, To Committee on Economic Development.
- H.B. 53**, To Committee on Economic Development.
- H.B. 54**, To Committee on Finance.
- H.B. 130**, To Committee on Education.
- H.B. 139**, To Committee on Economic Development.
- H.B. 153**, To Committee on State Affairs.
- H.B. 199**, To Committee on Natural Resources.
- H.B. 219**, To Committee on Intergovernmental Relations.
- H.B. 235**, To Committee on State Affairs.
- H.B. 338**, To Committee on Intergovernmental Relations.
- H.B. 356**, To Committee on State Affairs.
- H.B. 359**, To Committee on Education.
- H.B. 384**, To Committee on Economic Development,
Subcommittee on Insurance.
- H.B. 396**, To Committee on Health and Human Services.
- H.B. 416**, To Committee on Criminal Justice.
- H.B. 448**, To Committee on Economic Development,
Subcommittee on Insurance.
- H.B. 530**, To Committee on Natural Resources.
- H.B. 545**, To Committee on Intergovernmental Relations.
- H.B. 553**, To Committee on Intergovernmental Relations.
- H.B. 650**, To Committee on Economic Development.
- H.B. 662**, To Committee on Health and Human Services.
- H.B. 670**, To Committee on Economic Development.
- H.B. 675**, To Committee on Health and Human Services.
- H.B. 717**, To Committee on Natural Resources.
- H.B. 721**, To Committee on State Affairs.
- H.B. 729**, To Committee on State Affairs.
- H.B. 732**, To Committee on Intergovernmental Relations.
- H.B. 736**, To Committee on Jurisprudence.
- H.B. 750**, To Committee on Intergovernmental Relations.
- H.B. 772**, To Committee on Natural Resources.
- H.B. 806**, To Committee on Criminal Justice.
- H.B. 828**, To Committee on Intergovernmental Relations.
- H.B. 873**, To Committee on State Affairs.
- H.B. 881**, To Committee on Natural Resources.
- H.B. 902**, To Committee on Health and Human Services.
- H.B. 903**, To Committee on Health and Human Services.
- H.B. 957**, To Committee on Intergovernmental Relations.
- H.B. 991**, To Committee on Health and Human Services.
- H.B. 998**, To Committee on State Affairs.
- H.B. 1000**, To Committee on State Affairs.
- H.B. 1050**, To Committee on Jurisprudence.
- H.B. 1063**, To Committee on Intergovernmental Relations.
- H.B. 1079**, To Committee on Intergovernmental Relations.
- H.B. 1093**, To Committee on Criminal Justice.

H.B. 1101, To Committee on Health and Human Services.
H.B. 1128, To Committee on Criminal Justice.
H.B. 1198, To Committee on Intergovernmental Relations.
H.B. 1227, To Committee on Intergovernmental Relations.
H.B. 1266, To Committee on Intergovernmental Relations.
H.B. 1340, To Committee on Intergovernmental Relations.
H.B. 1487, To Committee on Jurisprudence.
H.B. 1664, To Committee on Criminal Justice.
H.B. 1666, To Committee on Criminal Justice.
H.B. 1673, To Committee on Criminal Justice.
H.B. 1879, To Committee on State Affairs.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
April 8, 1991

TO THE SENATE OF THE SEVENTY-SECOND LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE EDUCATIONAL EXCELLENCE COMMITTEE,
for a term to expire February 1, 1997:

MAXINE J. NANCE
P. O. Box 521
Atlanta, Texas 75551

Ms. Nance will be replacing David B. Keith of Houston, whose term expired.

TO BE JUDGE OF THE 190TH JUDICIAL DISTRICT COURT, HARRIS
COUNTY, until the next General Election and until her successor shall be duly
elected and qualified:

EILEEN FRANCES O'NEILL
3414 Robinhood
Houston, Texas 77005

Ms. O'Neill will be replacing Judge Wyatt H. Heard of Houston, who retired.

TO BE A MEMBER OF THE AGRICULTURAL RESOURCES PROTECTION
AUTHORITY, for a term to expire February 1, 1993:

JANE N. SAGINAW
4409 Rawlins
Dallas, Texas 75219

Ms. Saginaw will be replacing Inez Suderman of McAllen, whose term expired.

TO BE A MEMBER OF THE TEXAS STRUCTURAL PEST CONTROL
BOARD, for a term to expire February 1, 1997:

RAY PATRICK THOMPSON
2012 Cleveland
Pasadena, Texas 77502

Mr. Thompson will be replacing Charles K. Glasse of Friendswood, whose term expired.

TO BE A MEMBER OF THE TRINITY RIVER AUTHORITY BOARD OF
DIRECTORS, for a term to expire March 15, 1997:

JAKE CAPRIELIAN
103 Gordon Drive
Crockett, Texas 75835

Mr. Caprielian will be replacing Robert T. Mattox of Crockett, whose term expired.

TO BE A MEMBER OF THE TEXAS BOARD OF LICENSURE FOR NURSING
HOME ADMINISTRATORS, for a term to expire January 31, 1997:

JOHNNIE LOU AVERY
P. O. Box 2271
Big Spring, Texas 79720

Ms. Avery will be replacing Ray Pearl Bloebaum of Austin, whose term expired.

TO BE A MEMBER OF THE NUECES RIVER AUTHORITY BOARD OF
DIRECTORS, for a term to expire February 1, 1997:

MARY B. AUTRY
Route 2, Box 6851
Pipe Creek, Texas 78063

Ms. Autry will be replacing James L. Donnell of Fowlerton, whose term expired.

Respectfully submitted,

/s/Ann W. Richards
Governor of Texas

MESSAGE FROM THE SUPREME COURT OF TEXAS

The following Message from the Supreme Court of Texas was read and was referred to the Committee on Nominations:

THE SUPREME COURT OF TEXAS

April 3, 1991

TO THE SENATE OF THE SEVENTY-SECOND TEXAS LEGISLATURE,
REGULAR SESSION:

The Supreme Court of Texas has made the following appointment which requires the advice and consent of the Senate:

To the State Commission on Judicial Conduct:

The Honorable Charles P. McCain
Justice of the Peace, Precinct 3
Brown County Courthouse
Brownwood, Texas 76801

This appointment is made pursuant to the Texas Constitution, Article V, section 1-a. The appointment of Judge McCain is to fill the unexpired term of The Honorable Jack Richburg of Dallas and will expire November 19, 1991.

The advice, consent and confirmation of the Senate is requested.

Sincerely,

/s/Thomas R. Phillips
Chief Justice

SENATE BILL 1436 REREFERRED

On motion of Senator Bivins and by unanimous consent, S.B. 1436 was withdrawn from the Committee on State Affairs and rereferred to the Committee on Criminal Justice.

SENATE BILL 42 ON SECOND READING

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 42, Relating to the peer assistance and leadership system.

The bill was read second time.

Senator Barrientos offered the following committee amendment to the bill:

Amend **S.B. 42** by deleting the word “applies” and inserting “may apply” after the word “class” in Section 1, Subsection H, line 13.

The committee amendment was read and was adopted by a viva voce vote.

On motion of Senator Barrientos and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 42 ON THIRD READING

Senator Barrientos moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 42** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Ellis, Green, Sims.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 654 ON SECOND READING**

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 654, Relating to personal property exempt from seizure.

The bill was read second time.

Senator Parker offered the following amendment to the bill:

Amend **C.S.S.B. 654**, Section 1, as follows:

- (1) Page 1, line 27, by deleting \$76,000 and inserting \$60,000.
- (2) Page 1, line 32, by deleting \$38,000 and inserting \$30,000.
- (3) Page 1, line 45 and 46, by deleting, Funds exempt from seizure by creditors under other state or federal non-bankruptcy law.
- (4) Page 1, line 57, by adding before the word “Commissions,” the word unpaid.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Parker and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 654 ON THIRD READING**

Senator Parker moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 654 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Ellis, Green, Sims.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

**VOTE ON ADOPTION OF THE
CONFERENCE COMMITTEE REPORT ON
SENATE BILL 351 RECONSIDERED**

On motion of Senator Parker and by unanimous consent, the vote by which the Senate adopted the Conference Committee Report on S.B. 351 was again reconsidered.

Question—Shall the Conference Committee Report be adopted?

On motion of Senator Parker and by unanimous consent, the Senate granted the request of the House to appoint a new Conference Committee for S.B. 351.

The following Conferees were appointed: Senators Parker, Chair; Green, Barrientos, Ratliff, Haley.

**COMMITTEE SUBSTITUTE
SENATE BILL 923 ON SECOND READING**

On motion of Senator Tejeda and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 923, Relating to the liability of a person for demolishing, causing to be demolished, or adversely affecting a historical structure without a permit.

The bill was read second time.

(Senator Glasgow in Chair)

Senator Tejeda offered the following amendment to the bill:

Amend C.S.S.B. 923 as follows:

(1) In SECTION 1 (Committee Printing page 2, between lines 16 and 17), insert the following:

(h) Each municipality shall file in the real property records of the county clerk's office of each county in which the municipality is located a written instrument listing the street address of each historic structure or property that is located in the municipality and county and is designated as historic by a political subdivision of the state. If a historic structure or property does not have a street address, the written instrument must contain other information that identifies the location of the structure or property.

(2) In SECTION 2 (Committee Printing page 2, between lines 63 and 64), insert the following:

(h) The commission shall file in the real property records of the county clerk's office in each county in which a historic structure or property that is included on

the National Register of Historic Places or that is designated as a Recorded Texas Historic Landmark is located a written instrument listing the street address of each structure or property located in that county. If a historic structure or property does not have a street address, the written instrument must contain other information that identifies the location of the structure or property.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Tejeda and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

RECORD OF VOTE

Senator Bivins asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 923 ON THIRD READING

Senator Tejeda moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.B. 923 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Bivins.

Absent-excused: Ellis, Green, Sims.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTE

Senator Bivins asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE JOINT RESOLUTION 23 ON SECOND READING

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.J.R. 23, Proposing a constitutional amendment relating to the manner in which vacancies are filled on the governing bodies of certain municipalities.

The resolution was read second time and was passed to engrossment by a viva voce vote.

SENATE JOINT RESOLUTION 23 ON THIRD READING

Senator Brown moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.J.R. 23 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Ellis, Green, Sims.

The resolution was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

SENATE RESOLUTION 380 ON SECOND READING

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading:

S.R. 380, Authorizing each house of the legislature to create a General Investigating Committee.

The resolution was read second time and was adopted by a viva voce vote.

**SENATE CONCURRENT RESOLUTION 85
ON SECOND READING**

On motion of Senator Harris of Tarrant and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading:

S.C.R. 85, Encouraging all medical and dental schools operating in the State of Texas to reevaluate their curricula in terms of the current epidemic of substance abuse.

The resolution was read second time and was adopted by a viva voce vote.

(President in Chair)

SENATE BILL 113 ON SECOND READING

Senator Lyon asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 113, Relating to the compensation of a deputy sheriff assigned as a bailiff in Dallas County.

There was objection.

Senator Lyon then moved to suspend the regular order of business and take up **S.B. 113** for consideration at this time.

The motion prevailed by the following vote: Yeas 17, Nays 7.

Yeas: Armbrister, Barrientos, Brooks, Carriker, Dickson, Haley, Johnson, Lucio, Lyon, Moncrief, Montford, Parker, Rosson, Sibley, Tejeda, Whitmire, Zaffirini.

Nays: Bivins, Brown, Glasgow, Henderson, Leedom, Ratliff, Turner.

Absent: Harris of Tarrant, Harris of Dallas, Krier, Truan.

Absent-excused: Ellis, Green, Sims.

The bill was read second time and was passed to engrossment by a viva voce vote.

RECORD OF VOTES

Senators Glasgow and Leedom asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 113 ON THIRD READING

Senator Lyon moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 113** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 22, Nays 4.

Yeas: Armbrister, Barrientos, Brooks, Brown, Carriker, Dickson, Haley, Harris of Tarrant, Henderson, Johnson, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sibley, Tejeda, Truan, Whitmire, Zaffirini.

Nays: Bivins, Glasgow, Leedom, Turner.

Absent: Harris of Dallas, Krier.

Absent-excused: Ellis, Green, Sims.

The bill was read third time and was passed by the following vote: Yeas 18, Nays 8.

Yeas: Armbrister, Barrientos, Brooks, Carriker, Dickson, Haley, Johnson, Lucio, Lyon, Moncrief, Montford, Parker, Rosson, Sibley, Tejeda, Truan, Whitmire, Zaffirini.

Nays: Bivins, Brown, Glasgow, Harris of Tarrant, Henderson, Leedom, Ratliff, Turner.

Absent: Harris of Dallas, Krier.

Absent-excused: Ellis, Green, Sims.

**COMMITTEE SUBSTITUTE
SENATE BILL 302 ON SECOND READING**

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 302, Relating to the liability of partners in certain professional partnerships.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 302 ON THIRD READING**

Senator Montford moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 302** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Ellis, Green, Sims.

(Senator Glasgow in Chair)

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 687 ON SECOND READING**

On motion of Senator Harris of Tarrant and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 687, Relating to suits affecting the parent-child relationship.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 687 ON THIRD READING**

Senator Harris of Tarrant moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.B. 687 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Ellis, Green, Sims.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 722 ON SECOND READING

On motion of Senator Johnson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 722, Relating to requiring the Department of Human Services to provide vitamins to pregnant women receiving Medicaid assistance.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 722 ON THIRD READING

Senator Johnson moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.B. 722 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Ellis, Green, Sims.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

SENATE BILL 1032 ON SECOND READING

On motion of Senator Bivins and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1032, Relating to the jurisdiction of a district court in a suit regarding a permit for a sexually oriented business.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 1032 ON THIRD READING

Senator Bivins moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.B. 1032 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Ellis, Green, Sims.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

SENATE BILL 1302 ON SECOND READING

On motion of Senator Johnson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1302, Relating to the practice of podiatry.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 1302 ON THIRD READING

Senator Johnson moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 1302** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Ellis, Green, Sims.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

SENATE BILL 614 ON SECOND READING

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 614, Relating to the expansion of the Communities in Schools program.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 614 ON THIRD READING

Senator Barrientos moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 614** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Ellis, Green, Sims.

The bill was read third time and was passed by a viva voce vote.

SENATE RULE 11.11 SUSPENDED

On motion of Senator Dickson and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Economic Development might meet to consider the following bills and resolutions today:

S.B. 235	S.B. 889
S.B. 610	S.B. 891
S.B. 617	S.B. 1064
S.B. 690	S.B. 1290
S.B. 691	S.B. 1303
S.B. 694	S.B. 1386
S.B. 709	H.B. 175
S.B. 710	S.J.R. 29
S.B. 888	S.J.R. 30

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Barrientos gave notice that he would tomorrow at the conclusion of Morning Call submit to the Senate for consideration nominations to agencies, boards and commissions of the State.

MEMORIAL RESOLUTIONS

H.C.R. 37 - (Whitmire): In memory of Judge Woodrow Bradley Seals.

H.C.R. 147 - (Armbrister): In memory of Sergeant Terry Lee Jaynes of the Victoria County Sheriff's Department.

S.R. 470 - By Sibley: In memory of esteemed educator and coach, Lloyd H. Raymer of Houston and Hillsboro.

S.R. 471 - By Glasgow: In memory of Betty J. Cleveland of Burleson.

S.R. 472 - By Glasgow: In memory of Paul Meador of Tarrant County.

S.R. 473 - By Glasgow: In memory of Allan Brooks of Alvarado.

S.R. 474 - By Glasgow: In memory of civic leader R. L. "Governor" Moughon of Weatherford.

S.R. 475 - By Glasgow: In memory of civic and church leader Margaret Hallauer of Breckenridge.

S.R. 476 - By Glasgow: In memory of Kathy Calloway of Weatherford.

S.R. 477 - By Glasgow: In memory of W. N. "Boone" Brown of Stephenville.

S.R. 478 - By Glasgow: In memory of Gordon Boswell of Fort Worth.

S.R. 479 - By Glasgow: In memory of Arthur Frederick Dieterich, Sr., of Denton.

S.R. 480 - By Glasgow: In memory of George Mark Corbett of Fort Worth.

CONGRATULATORY RESOLUTIONS

H.C.R. 18 - (Whitmire): Honoring Everett Augustus "Squatty" Lyons, Jr., of Houston for his many years of outstanding public service as Harris County Commissioner and extending best wishes for a happy and rewarding retirement.

H.C.R. 46 - (Leedom): Extending congratulations to Phillip B. Laquey on his receipt of the Tall Texan Award.

H.C.R. 47 - (Leedom): Extending congratulations to Jo Anne Reed on her receipt of the Athena Award.

H.C.R. 165 - (Sims): Honoring Dr. and Mrs. Frank Johnson for their service to the Kelview Heights Baptist Church.

S.C.R. 97 - By Lyon: Extending congratulations to Mr. and Mrs. George T. Griffin on the occasion of their 50th wedding anniversary.

S.R. 465 - By Lyon: Extending congratulations to Mrs. Ivah Albright and the Tyler Area Children's Chorale for being chosen to represent the United States at the United Nations "World Children's Day" event.

S.R. 466 - By Green: Recognizing Leon "Pappy" Selph of Houston for his outstanding contributions to country music.

S.R. 467 - By Sims: Extending congratulations to Grant Irons of San Angelo for achieving the rank of Eagle Scout.

S.R. 468 - By Sims: Extending congratulations to Max A. Stuart of Midland for achieving the rank of Eagle Scout.

S.R. 469 - By Sims: Recognizing Dr. John Holcombe on his retirement and for the invaluable services he has rendered as a veterinarian.

S.R. 481 - By Truan: Recognizing Dr. Ronald G. Munson of Mathis, who will be serving as Physician of the Day, April 11, 1991.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:49 p.m. adjourned, in memory of former United States Senator John Tower, until 10:30 a.m. tomorrow.

FORTY-SECOND DAY

(Tuesday, April 9, 1991)

The Senate met at 10:30 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sibley, Sims, Tejada, Truan, Turner, Whitmire, Zaffirini.

A quorum was announced present.

The Reverend Fred Cravens, St. Luke United Methodist Church, Austin, offered the invocation as follows:

God of our weary years, God of our silent tears; we come with praise and we come with thanksgiving for the mercy You have showered on us in life and in death. As we sit at this moment with our heads bowed toward the Mother Earth, we realize the tremendous responsibility of the task we have been given: to make the laws and regulations which will govern the lives of ourselves and of our brothers and sisters. We ask for grace to feel and be concerned for others. We ask to be instruments of Your justice which rolls on like a river, and of Your righteousness which is like an ever flowing stream.

God, You have shown us what is good. You have asked of us only this: that we might act justly, love loyally and walk wisely before our God. Amen.

(Senator Glasgow in Chair)

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

CO-AUTHOR OF SENATE BILL 802

On motion of Senator Dickson and by unanimous consent, Senator Sibley will be shown as Co-author of S.B. 802.

MESSAGE FROM THE HOUSE

House Chamber
April 9, 1991